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Permanent Forum on Indigenous Issues
Fifth session
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Agenda item 4 (b)
Ongoing priorities and themes: human rights, with special emphasis on interactive dialogue with the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous peoples

Draft recommendations submitted by the Rapporteur

Human rights

1. In anticipation of the first session of the Human Rights Council, the Forum recommends that indigenous issues be a standing agenda item of the Council and that due attention be paid to the human rights and fundamental freedoms of indigenous peoples. The role of the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples should be maintained and further strengthened within the Council.

2. The Forum is convinced that a Declaration on the Rights of Indigenous Peoples will be an instrument of great value to advance the rights and aspirations of the world's indigenous peoples. The Forum therefore recommends the adoption of the draft Declaration on the Rights of Indigenous Peoples as contained in the proposals of the Chairperson of the Commission on Human Rights Working Group on the Draft Declaration on the Rights of Indigenous Peoples (see E/CN.4/2006/79, annex I) by the General Assembly during its sixty-first session, in 2006. It would represent a major achievement for the Second International Decade of the World's Indigenous Peoples.

3. The Forum welcomes the address by the Chairperson of the Working Group on Indigenous Communities/Populations of the African Commission on Human Peoples' Rights at its present session and looks forward to enhancing the institutional cooperation between the two bodies. The Forum encourages relevant national human rights institutions to begin cooperation with the United Nations Permanent Forum on Indigenous Issues.

4. The Permanent Forum on Indigenous Issues welcomes the report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, on his visits to South Africa, New Zealand and Ecuador, and

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supports the recommendations contained therein (see E/CN.4/2006/78). The Permanent Forum restates its support for the ongoing work of the Special Rapporteur. The Permanent Forum encourages the Human Rights Council to pay special attention, through monitoring mechanisms of the Council, to the implementation of recommendations of the Special Rapporteur and those pertaining to indigenous peoples.

5. The active participation of indigenous peoples and indigenous organizations should be ensured when matters affecting their rights are discussed by the Human Rights Council and any subsidiary bodies or processes it decides to establish.

6. The role of the Forum is strengthened in the new process of the Human Rights Council and therefore the Forum would welcome an invitation to participate in the programmed activities of the Council related to indigenous peoples.

7. The United Nations Permanent Forum on Indigenous Issues urges Member States to provide information on the status of indigenous peoples residing on, or across, State border areas in relation to their safety and human rights concerns.

8. The Forum recommends that United Nations human rights mechanisms examine the plight of indigenous peoples from French Polynesia, Guam and Marshall Islands who have been victims of nuclear testing in the Pacific.

9. The Forum recommends that the Office of the United Nations High Commissioner for Human Rights expand its technical cooperation programme with a view to building the capacity of indigenous peoples and their organizations to better utilize human rights mechanisms for the protection and promotion of their rights. To assist in facilitating that objective the Forum invites the chairpersons of the human rights treaty bodies to participate in the Forum's annual session.

10. The Forum recommends that human rights treaty bodies begin dialogue and cooperation with indigenous organizations to discuss the preparation of general comments relevant to indigenous peoples, and that those bodies be encouraged to formulate recommendations and general comments within their competence on the rights of indigenous peoples.

11. The Forum recommends that the Committee on the Elimination of Racial Discrimination elaborate a general comment on discrimination in housing, taking into account the situation of indigenous peoples.

12. Recalling that the United Nations Human Rights Council will assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and complaint procedures; and recalling that the Council shall complete the review within one year after the holding of its first session, the Permanent Forum strongly urges the Human Rights Council to ensure the full participation of representatives of indigenous peoples in that review process. The Forum further urges the Human Rights Council to adopt and maintain mechanisms, mandates, special procedures, expert advice and complaint procedures relevant and pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous peoples.

13. The Forum recommends that Governments respect the free participation of indigenous representatives in United Nations meetings and activities relevant to them, including the Forum and other bodies.

14. The Forum supports ongoing dialogues between Governments and armed forces to seek peaceful solutions to conflicts occurring in indigenous peoples' territories and affecting indigenous peoples.

15. The Forum reiterates its recommendation on indigenous peoples living in voluntary and semi-voluntary isolation, or "uncontacted", from its fourth session,[1] and urges Governments, indigenous peoples' organizations, non-governmental organizations and multilateral bodies to take note and implement the Belem Declaration on Isolated Indigenous Peoples of the Amazon and Gran Chaco, as well as the International Labour Organization Convention No. 169, domestic legislation and court orders which protect and maintain the rights of these indigenous peoples and their designated territories throughout the world to live in isolation, should they so choose. The Forum urges Governments, the United Nations system, civil society, and indigenous peoples' organizations to cooperate to immediately ensure effective prohibition against outside encroachment, aggression, forcible assimilation, and acts and processes of genocide. Measures of protection should comprise the safeguarding of their natural environment, livelihood and minimally invasive, culturally sensitive mobile health-care services.

16. The Permanent Forum requests the Office of the High Commissioner for Human Rights, ILO and UNESCO to convene an expert workshop in cooperation with the Permanent Forum on the situation of indigenous peoples in voluntary isolation to develop strategies and programmes for the protection of their rights and territories and to report to the Permanent Forum at its next session.

17. The United Nations Permanent Forum on Indigenous Issues requests the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and the Secretary-General's Special Representative on Human Rights Defenders to seek further information from the Government of Australia and indigenous peoples in Australia on the effects on Aboriginal and Torres Strait Islander peoples since the demise of the Aboriginal and Torres Strait Islander Commission (ATSIC). The Government of Australia is urged to provide quantifiable information on changes and reductions in funding of indigenous organizations since the creation of Aboriginal and Torres Strait Islander Services (ATSIS), including the capacity of such organizations to attend to the defence of the human rights of the Aboriginal and Torres Strait Islander peoples.

18. The United Nations Permanent Forum on Indigenous Issues recommends that the Office of the United Nations High Commissioner for Human Rights develop a coherent and strategic plan of action in Africa in cooperation with indigenous peoples and their representative organizations, that the implementation of OHCHR's programme to strengthen capacity to protect and advocate for the human rights of indigenous peoples be linked to other United Nations agencies notably UNDP, UNEP, CDB, WIPO, UNESCO, and others. The Forum recommends that there be productive cooperation with the Danish Institute for Human Rights focusing on training and awareness-raising within the National Human Rights Commissions in Africa. The Forum further recommends that there be an effort made by the United Nations system to bring greater awareness of instruments and mechanisms specific to indigenous peoples to the attention of the African Union, the Pan African Parliament, and the New Partnership for Africa's Development (NEPAD) initiative.

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[1] See E/C.19/2005/43, para. 73.